

MY FAMILY MEMBER HAS BEEN ARRESTED - WHAT DO I DO?

A step-by-step guide to help families cope with the mental health / criminal justice systems in San Luis Obispo County when a family member afflicted with a severe and persistent brain disorder is arrested.

This informational guide was written by NAMI volunteers based on their own personal experience to help families navigate the system. We are not attorneys, and this is not intended as a substitute for professional legal advice. Please assist your family member in obtaining proper legal representation.

Adapted for San Luis Obispo County by Roger Gambs (NAMI SLOCO), Kelly Kenitz (Correctional Lieutenant, San Luis Obispo County Sheriff-Coroner Department) and Janet Amanzio (Clinical Program Manager for Adult Services, San Luis Obispo County Behavioral Health Department) from a family guide prepared by Mark Gale and Jim Randall of the Los Angeles NAMI Criminal Justice Committee. *With special thanks to Carla Jacobs.*

STEP ONE: RELAX (AS BEST YOU CAN), READ THIS GUIDE, AND SUPPORT YOUR RELATIVE

- If your family member/friend calls and says that they have been arrested, help them stay calm and let them know you are there to help.
- If your relative is being held in a City Jail or County Sheriff substation, remind them that they have a right to have an attorney present if being questioned by police officers or detectives. Depending upon the crime, your relative could be released by the City Police Department or County Sheriff Substation or transferred to the County Jail on Hwy. 1 between San Luis Obispo and Morro Bay.
- If they are already at the San Luis Obispo County Jail, tell them that it is OK to discuss their physical and mental condition, diagnosis, medications, etc. with the arresting or jail officers. It is important they feel safe to speak openly with the pre-screening and pre-booking officers at the jail because they also act as the mental health screeners for the jail. San Luis Obispo County Jail does not have a Mental Health Evaluation team that independently screens all new inmates. Depending on your relative's behavior and the information they provide to the pre-booking officers, they may be referred to the Psychiatric Services staff at the jail or to the San Luis Obispo County Mental Health Department.

STEP TWO: CONTACT THE CITY POLICE DEPARTMENT, SHERIFF PATROL HEADQUARTERS, OR COUNTY JAIL

- Call the City Police Department, Sheriff Patrol Headquarters, or the County Jail that is holding your family member and ask to speak to a supervisor.

ARROYO GRANDE Police Department - Dispatch: (805) 473-5100

ATASCADERO Police Department - Non-Emergency: (805) 461-5051

GROVER BEACH Police Department - Dispatch: (805) 473-4511

MORRO BAY Police Department - Non-Emergency: (805) 772-6226

PASO ROBLES Police Department - Non-Emergency: (805) 237-6464

PISMO BEACH Police Department - Non-Emergency: (805) 773-2208

SAN LUIS OBISPO Police Department - Non Emergency: (805) 781-7317

SAN LUIS OBISPO COUNTY SHERIFF'S DEPARTMENT

SLO County Sheriff's Patrol Headquarters: (805) 781-4550

SLO County Jail automated system: (805) 781-4600 and follow the prompts.

SLO County Jail, Psychiatric Services: (805) 781-4614

- Notify the Police Department or County Sheriff / Jail staff that your family member suffers from a mental illness and describe the diagnosis and any other concerns you might have. Be sure to explain any recent suicide attempts or suicide ideations to the Jail staff. Inquire as to your relative's status and length of stay at the Police Department or Jail. Ask if he/she is expected to be released directly from the City Police Department or County Jail. If he/she is going to be released (this sometimes occurs for minor offenses), ask for the time and place so you can be there to pick them up. If your relative is severely ill, ask if the Police Officers or Sheriff's Deputies would take him/her to a psychiatric hospital facility for a "5150" involuntary, three-day hold for treatment and evaluation. If your relative is a SLO County Mental Health Department client, you should advise his/her case worker that your relative is incarcerated.
- If your relative is not going to be released by the City Police Department, ask that he/she be transferred as quickly as possible to the County Jail.
- Be sure to ask the Police Department or County Jail for the following information:
 1. Advise the Jail staff that you will pick up your relative if he/she is released and request the date and time your relative will be released.
 2. The expected court arraignment date and court address. The Jail provides this information to the inmate, but may not release it to you. You should be able to find the information by contacting SLO County Superior Court via the County web site. If your relative is released, he/she will be provided with paperwork indicating the date, time, and location he/she is to appear in court.
- Medication will probably not be accessible until your relative arrives at the County Jail, but you might inquire if the holding facility can be of assistance in this regard.

STEP THREE: COUNTY JAIL INFORMATION

- After your relative arrives at the County Jail, call the **Jail at: 805-781-4600** and ask to speak with the Shift Commander. Give the Commander your relative's full name including any alias they might have used. The Jail has different units (West Dorms, West Housing, Main Jail, and Women's Jail); however this information is not released to the public and your relative's housing location may change frequently. You may want to ask for his/her identification or booking number.

IDENTIFICATION Number = _____.

- To find out information on visiting hours, mailing address, and receive answers to your questions, either go to the Jail or call: **Jail/Custody - Main Jail (Booking) - (805) 781-4600 (follow the phone prompts).**
- General information is also available at the San Luis Obispo County Sheriff's Department website (< <http://www.slosheriff.org/> >).
- **VISITING INFORMATION** - If at all possible, visiting is strongly encouraged for inmates with mental illnesses. All visitors must provide the jail with one of the following picture ID's: (1) Valid Drivers License, (2) State Identification Card, or (3) other official Government Issued Identification with picture, physical description, and signature. All visitors must sign up 30 minutes prior to the hour they wish to visit. Failure to do so will cause unnecessary delays and you may be required to wait until the following hour to visit. All visiting starts on the hour. No reservations. Inmates may have one visit per day and are allowed two (2), 30-minute visits or one (1), one-hour visit per week (the week begins on Sunday). Only 1 adult at a time may enter the visiting room per inmate.
- **SLO COUNTY JAIL VISITING HOURS:**

MEN - Visiting Times				
Sunday	Tuesday	Wednesday	Thursday	Saturday
12, 1, 2, 3 PM	6, 7, 8 PM	1:30 PM	6, 7, 8 PM	8, 9, 10 AM 12, 1, 2, 3 PM
WOMEN - Visiting Times				
8, 9, 10 AM	1:30 PM	6, 7 PM	1:30 PM	6 PM
COURT ORDERED DEPENDENT VISITING TIMES				
		2:30, 4 PM	2:30, 4 PM	

- **MAIL** - Last, First, Middle names; Identification Number, if known; P. O. Box 15409; San Luis Obispo, CA 93406.
- **INMATE ACCOUNT (books)** - You may add U.S. currency, U.S. Postal money orders, or Cashier's checks (no more than \$30 is recommended) to your relative's account. These funds may be used to buy commissary items, post bail, pay fines, or pay for certain medical services. General Medical and Mental Health service is provided in jail unless a medical emergency requires intensive care at a hospital or the inmate requests to go to his/her own physician.
- **MEDICATIONS** - If you have access to your relative's medications and medical records, you may be able to take them to the jail so that they can be made available to your relative without any significant therapeutic interruption. First, contact the **Nursing Supervisor - (805) 781-4613** or **Psychiatric Services - (805) 781-4614** or **Jail/Custody - Main Jail (Booking) - (805) 781-4600** and explain what you wish to do.

STEP FOUR: SEND A FAX, CONTAINING MEDICAL INFORMATION ONLY

- Immediately prepare a FAX ADDRESSED TO **(1.) JAIL PSYCHIATRIC SERVICES and (2.) JAIL SHIFT COMMANDER**, requesting that your relative be screened and considered for placement in an area specific to mental health needs or a psychiatric hospital facility. Head this FAX with:
 - Your relative's full legal name and date of birth;
 - Your relative's Identification number (if known, but not necessary)
- In the body of the FAX include:
 - His/her diagnosis and their psychiatrist's name, phone number, and address;
 - Indicate the medications that are prescribed for your family member by name, dosage, and time of day to be administered;
 - Note if a particular medication has proven to be ineffective, or has dangerous and/or uncomfortable side effects;
 - Note if a suicide attempt is a possibility or if there are any other serious psychiatric or other medical concerns;
 - Describe any other urgent medical conditions, apart from mental illness, that might require immediate attention such as diabetes, high blood pressure, seizures, heart problems, etc. and the necessary medications to be given. Include their medical doctor's name, address, and phone number for verification purposes.
- ***IMPORTANT: Do NOT address any impending charges against your family member in this FAX. Medical information only!***
- Keep a copy of this FAX for future reference. If your family member is transferred to a different facility you will need to FAX this information again.
- On the cover page, indicate whether your relative has provided you with a written confidentiality waiver. If your relative has not previously done so, ask that he/she be asked to sign one while in jail.
- Once your relative has been booked, FAX the document described in Step Four to the appropriate number below. These numbers are for mental health information only. Faxes can be sent 24 hours a day, seven days a week.
 - **FAX NUMBER (Jail Psychiatric Services): (805) 781-4620. May not be reviewed until the following day or after the weekend.**
 - **FAX NUMBER (Jail Shift Commander): (805) 781-1005. On duty 24 hours a day, seven days a week.**

- **FOR EMERGENCIES** (for example, attempted suicide, suicide ideation, physical attack or threatened attack on another person just prior to arrest) you may contact the **Jail/Custody - Main Jail (Booking) - (805) 781-4600, press "0" to speak to a real person and then ask to speak to the Shift Commander.**
- To reach the **Jail Psychiatric Services** Office call - **(805) 781-4614**. Your relative can request Psychiatric Attention and/or Medical Attention by filling out the appropriate forms in the jail.

STEP FIVE: SUPERIOR COURT, FORMAL PROBATION, MIPS, AND JUDICIAL SUPERVISION (Mental Health Court)

- If your relative has a private attorney, notify the attorney that your relative has been arrested and provide the attorney with your written observations and requests.
- If your relative does not have an attorney, a Public Defender will be assigned at the arraignment and you can provide the Public Defender with your written observations and requests at that time.
- Family members can provide brief written or oral statements to the defense attorney, prosecutor, and judge about their mentally ill relative. The more concise the statement the better. The statements could include personal observations of their relative's behavior, the nature of the circumstances surrounding the arrest, their relative's diagnosis and current treatment plan, and relevant past history of your relative. Family members might request an alternative sentence to a mental health treatment facility or the MIPS program rather than jail or prison.
- If your relative has been arraigned and charged with crimes that would involve placing him/her on formal probation, it is possible that he/she might be eligible for release under the MIPS (Mentally Ill Probationary Services) program. The MIPS program is a voluntary treatment program whereby a mentally ill offender is presented with a contract containing conditions under which he/she would be released on formal probation. The MIPS program is not covered by private insurance. If the mentally ill person fails to comply with the contract, probation can be revoked and the person sent back to jail. Whether or not your relative would be eligible for the MIPS program depends upon the current charges, previous criminal record, diagnosis, willingness of the person to participate, and is determined by the court. In addition to close probationary supervision, people released under the MIPS program receive regular judicial supervision in Superior Court. The regular judicial supervision follow up of people on the MIPS program (Mental Health Court) is currently being done by one Superior Court Judge on his own time.

STEP SIX: FAMILY ADVOCATE

- If you have any difficulty with these processes or require other Mental Health Service information, call the Department of Mental Health **Family Advocate** (via

Transitions-Mental Health Association) at **805- 541-5144 ext. 171** and ask for Janice Holmes or her alternate.

- Don't forget to provide your family member's full name, location, and booking number if available.

STEP SEVEN: DECIDING ON LEGAL REPRESENTATION

- Your family member may want to retain a private attorney or use the Public Defenders Office. A Public Defender will be assigned at arraignment if your relative does not have or cannot afford a private attorney. Do not be afraid to use the Public Defender. Public Defenders often have extensive knowledge of the "system" as it pertains to those who need mental health services.
- If your family member decides to retain a private attorney, be sure to find one that is well versed in helping people with mental illness. The attorney should understand not only the law, but also how to access the treatment facilities and mental health services that are available.

IMPORTANT CONSIDERATIONS

- Bail: Think carefully about posting bail for your family member. No one wants a loved one to remain incarcerated for any length of time. It is an unpleasant experience for them as well as the family. However, you must ask yourself the following question. Will your family member be able to comply with the terms of the bail and appear in court when required? Also, as hard as it may seem, jail may be a safer place for a person with severe mental illness who is in crisis rather than wandering the streets with no help at all. At least in jail they will be fed, will have shelter, and be given access to medication treatments.
- Working with an attorney: Public Defenders are extremely busy and do not have much time for phone calls. They will appreciate written or faxed correspondence. Remember, it is the inmate, not you, who is his client. A private attorney will grant you more time, but remember you are paying for that access. Provide the attorney and judge with an extensive medical/psychiatric/ social/educational history of your family member. This written information will be very useful in pursuing the best outcome for your loved one.
- Consider hiring an attorney to represent YOU and to act as a mediator between the Public Defender, District Attorney, and Judge: If the charges against your relative are serious enough to warrant a prison sentence and your relative has never had a comprehensive psychiatric evaluation or a medical treatment plan, you may want to hire a Criminal Defense attorney to represent YOU. Based upon your written description of your relative's medical/psychiatric/ social/educational history, your attorney could ask for an extension of the case to allow for 2 or more independent psychiatric evaluations to be conducted on your relative. The results of these evaluations could weigh heavily on your relative's plea as well as his/her sentencing

by the court. This step is particularly important if you have or have been advised to file criminal charges against your relative.

- Patients' Rights When Admitted to Various Mental Health Facilities under the LPS Act: If your relative has been transferred from Jail to a Psychiatric or Mental Health treatment, rehabilitation, or residential facility and admitted voluntarily or involuntarily under Welfare and Institutions Codes 5150, 5250, 5260, 5270.1, 5300 et. al. or 5352.1, your relative has a legal right to: humane care, be free from abuse or neglect, social activities and recreation, education, religious freedom and practice, and be free from discrimination. Depending upon the circumstances, your relative also may have a legal right to his/her own: clothing, money, visitors, storage space, personal possessions, telephone, mail, and writing materials. The San Luis Obispo County Patients' Rights Advocate is: Carolyn Shively or Alternate; 2178 Johnson Ave.; San Luis Obispo, CA 93401; Phone (805) 781-4700. Contact information for the state Patient's Rights Advocate is: California Office of Patient's Rights; 100 Howe Avenue, Suite 210N; Sacramento, CA 95825; Phone (916) 575-1610.

Supporting and coping with a loved one who suffers from a brain disorder can be extremely challenging and stressful. Knowledge, as well as your love and fortitude, will be key in helping you to become a strong and effective support system for your family member. For information about support groups and educational programs provided free of charge in California contact NAMI - the Nation's Voice on Mental Illness at (916) 567-0163 or on the internet at www.namicalifornia.org.

Contact information for the **San Luis Obispo County affiliate of NAMI is: NAMI SLOCO**, P. O. Box 3158; San Luis Obispo, CA 93403; Voice Mail - (805) 546-4040; Email and Web - <http://www.namislo.org>.

GLOSSARY OF TERMS (adapted from - "How To Help When A Person With Mental Illness is Arrested"; by NAMI New York State and the Urban Justice Mental Health Project)

Adjournment – A postponement in a criminal case. The time between court dates.

Adjournment in Contemplation of Dismissal (ACD) – A disposition where the charges will be dismissed if the defendant is not rearrested in the next six months.

Allocution – Answering questions and admitting to a crime in order to plead guilty as part of a plea bargain.

Alternative to Incarceration (ATI) – A program that a defendant is ordered to attend rather than being sentenced to jail or prison.

Appearance Ticket – A ticket ordering you to appear in court on a specific day to answer charges against you.

Arraignment – The first appearance before a judge after a person is arrested. Should be held within 48 hours of arrest. The purpose is to inform the defendant of the charges against him and decide whether to release the person or set bail.

Arrestee - A person in police custody following arrest.

Assistant District Attorney (ADA) – Prosecutor working for the District Attorney.

Bail – An amount of money a defendant must pay in order to be released from jail while a criminal case is pending. Designed to ensure the defendant appears in court.

Bail Bondsman – A person who makes a living by helping defendants pay their bail and taking a fee for doing so.

Bench Warrant — A warrant issued by a judge, usually because an individual did not return to court when they were supposed to.

Charge – Accusation regarding the specific law a defendant is said to have violated.

Conviction – Having been found guilty of an offense.

Co-occurring Disorders (formerly called MIDA = Mentally Ill Drug Addicted) – Someone who is dually-diagnosed with mental illness and substance abuse.

Criminal Court – The court where every criminal case starts, regardless of whether it is a felony or a misdemeanor.

Criminal Procedure Law – Set of laws governing the procedures in criminal cases.

Defendant – Person charged with a crime.

Department of Corrections / Prisons – The California State agency that operates all of California's prisons.

Detention – Being held in jail awaiting trial (usually because you can't afford bail).

Disciplinary Isolation – A cell where inmates being punished for violating jail rules are housed separate from regular jail inmates.

Disposition – The conclusion of a criminal case.

District Attorney – The person who prosecutes people charged with crimes. There is one District Attorney in each county. S/he is elected and has "Assistant District Attorneys" working for him/her.

EDCF – "Emotionally Disturbed Children and their Families." This is a term used by some of the State Offices of Mental Health. Whether an individual is "EDCF" or not depends on how much mental illness impairs his/her functioning. This term is important because many programs determine eligibility based on whether or not the person is "EDCF."

Felony – Crime punishable by more than a year of incarceration.

Forensic – Relating to the law or legal proceedings.

Full Order of Protection – A court order that a defendant may not have any contact, in person, by phone, or mail, with a specific person.

General Population – Regular (non-segregated) section of a jail or prison.

Indigent – Poor.

Inmate – Person in jail or prison.

Jail – Local detention facility used for the detention of persons awaiting arraignment, during their trial, and upon a sentence of commitment.

Limited Order of Protection – A court order that a defendant, although permitted to have contact, may not behave in an aggressive, abusive, or harassing manner toward a specific person.

MIDA = Mentally Ill Drug Addicted (now called Co-occurring Disorders) – Someone who is dually-diagnosed with mental illness and substance abuse.

MIPS (=Mentally Ill Probation Services) - a voluntary treatment program whereby a mentally ill offender is presented with a contract containing conditions under which he/she would be released on formal probation. If the mentally ill person fails to comply with the contract, probation can be revoked and the person sent back to jail. In addition to close probationary supervision, people released under the MIPS program receive regular judicial supervision in Superior Court. The regular judicial supervision follow up of people on the MIPS program (Mental Health Court) is currently being done by one Superior Court Judge on his own time

Misdemeanor – An offense punishable by a year or less of incarceration. There are two kinds of misdemeanor; an A misdemeanor is punishable by up to a year in jail, while a B misdemeanor is punishable by no more than three months in jail.

NGI - Not Guilty by reason of Insanity. Insanity is a legal term for any severe mental disease or disorder that makes a person not responsible for his or her actions. Under most systems of criminal law, an insane person cannot be guilty of a crime.

Parole – Supervision in the community of someone who has been released from prison.

Penal Code – Set of California laws listing what actions are criminal in California and what the sentences are for each offense.

Plea Bargain – An agreement where a defendant pleads guilty to an offense in return for a specific sentence (usually a better sentence than s/he would have received after losing a trial).

Prison – A state correctional facility where people convicted of felonies and sentenced to more than one year of incarceration are confined.

Probation – A sentence of 1, 3, or 5 years of supervision in the community.

Prosecutor – A lawyer representing “The People of the State of California” whose job is to prosecute people accused of crimes and defend the interest of the community in public safety and quality of life. The prosecutor does not represent crime victims.

Public Defender – A defense attorney who is paid by the government to represent criminal defendants who cannot afford to hire a lawyer. A public defender usually works full-time for a not-for-profit organization funded by the government.

RAP SHEET – A criminal history of every time an individual has been arrested, and what happened in each case.

Released on Own Recognizance – Released from custody without being required to pay bail, but required to return to court on a specific date.

Sentence – The punishment imposed at the conclusion of a criminal case.

SPMI – “Seriously and Persistently Mentally Ill.” This is a term used by some state Offices of Mental Health. Whether an individual is “SPMI” or not depends on how much mental illness impairs his/her functioning. This term is important because many programs determine eligibility based on whether or not the person is “SPMI.”

Suicide Watch – When a jail inmate is potentially suicidal they are checked on regularly as a preventative measure.

Supreme Court – The court felony cases are transferred to from Criminal Court after the defendant is indicted by a grand jury.

Warrant – A notice to the police that a person is wanted and should be sought out and arrested.



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